

EXHIBIT 2



From: Harbour, Michael
Sent: Monday, November 27, 2023 10:24 PM
To: Feinstein, Marc; Ashley, Matt
Cc: ~Yoder, Michael; Sheasby, Jason; mckeeon@fr.com; LAD@fr.com; tishman@fr.com
Subject: RE: Netlist v. Samsung (CDCA): Joint Report
Attachments: Drft Samsung Edits Joint Case Status Report (Irell Draft).DOCX

Marc –

We strongly disagree with your assertion below, but given the late hour, we have removed that sentence to avoid any further dispute. Netlist reserves all rights.

Please see the attached revised version and let us know ASAP if we have your permission to file.

Best,

Michael

From: Feinstein, Marc <mfeinstein@omm.com>
Sent: Monday, November 27, 2023 9:46 PM
To: Harbour, Michael <MHarbour@irell.com>; Ashley, Matt <MAshley@irell.com>
Cc: ~Yoder, Michael <myoder@omm.com>; Sheasby, Jason <JSheasby@irell.com>; mckeeon@fr.com; LAD@fr.com; tishman@fr.com
Subject: RE: Netlist v. Samsung (CDCA): Joint Report

You are clearly using Mr. Calandra's testimony. You claim he "testified to the exact opposite of what Samsung told the Ninth Circuit." In addition to being a false statement, that is a blatant violation of the protective order and sanctionable conduct

From: Harbour, Michael <MHarbour@irell.com>
Sent: Monday, November 27, 2023 9:38 PM
To: Feinstein, Marc <mfeinstein@omm.com>; Ashley, Matt <MAshley@irell.com>
Cc: Yoder, Michael <myoder@omm.com>; Sheasby, Jason <JSheasby@irell.com>; mckeeon@fr.com; LAD@fr.com; tishman@fr.com
Subject: RE: Netlist v. Samsung (CDCA): Joint Report

[EXTERNAL MESSAGE]

Marc –

The Indong Kim testimony was played in open court in the Samsung I bench trial and is thus not subject to the protective order. As for Mr. Calandra, we are not "using" his testimony, which is not even quoted. Instead, we have identified its subject matter so the Court can understand why it is relevant.

Michael

From: Feinstein, Marc <mfeinstein@omm.com>
Sent: Monday, November 27, 2023 9:35 PM
To: Harbour, Michael <MHairbour@irell.com>; Ashley, Matt <MAshley@irell.com>
Cc: ~Yoder, Michael <myoder@omm.com>; Sheasby, Jason <JSheasby@irell.com>; mckeeon@fr.com; LAD@fr.com; tishman@fr.com
Subject: RE: Netlist v. Samsung (CDCA): Joint Report

I meant testimony from Samsung witnesses -- Indong Kim and Joseph Calandra. We await your answer to our question below. To be clear, Samsung objects to your using testimony from the Texas case in violation of the protective order.

From: Feinstein, Marc
Sent: Monday, November 27, 2023 9:22 PM
To: 'Harbour, Michael' <MHairbour@irell.com>; Ashley, Matt <MAshley@irell.com>
Cc: Yoder, Michael <myoder@omm.com>; Sheasby, Jason <JSheasby@irell.com>; mckeeon@fr.com; LAD@fr.com; tishman@fr.com
Subject: RE: Netlist v. Samsung (CDCA): Joint Report

Matt and Michael - We see that you are using testimony from Netlist witnesses in the Texas litigation in Netlist's portion of the Joint Report. Do you contend you are free to use that testimony in CDCA notwithstanding the protective order in Texas?

From: Harbour, Michael <MHairbour@irell.com>
Sent: Monday, November 27, 2023 8:36 PM
To: Feinstein, Marc <mfeinstein@omm.com>; Ashley, Matt <MAshley@irell.com>
Cc: Yoder, Michael <myoder@omm.com>; Sheasby, Jason <JSheasby@irell.com>
Subject: RE: Netlist v. Samsung (CDCA): Joint Report

[EXTERNAL MESSAGE]

Hi Marc –

Attached is a revised draft of Netlist's section and redline. Please let us know if we have your permission to file.

Best,

Michael

From: Harbour, Michael
Sent: Monday, November 27, 2023 8:16 PM
To: Feinstein, Marc <mfeinstein@omm.com>; Ashley, Matt <MAshley@irell.com>
Cc: ~Yoder, Michael <myoder@omm.com>; Sheasby, Jason <JSheasby@irell.com>
Subject: RE: Netlist v. Samsung (CDCA): Joint Report

Hi Marc –

We will be sending shortly.

Best,

Michael

From: Feinstein, Marc <mfeinstein@omm.com>
Sent: Monday, November 27, 2023 7:59 PM
To: Ashley, Matt <MAshley@irell.com>
Cc: Harbour, Michael <MHHarbour@irell.com>; Yoder, Michael <myoder@omm.com>
Subject: RE: Netlist v. Samsung (CDCA): Joint Report

Matt - Please let us know ETA to do final review before Joint Report is filed.

From: Ashley, Matt <MAshley@irell.com>
Sent: Monday, November 27, 2023 3:24 PM
To: Feinstein, Marc <mfeinstein@omm.com>
Cc: Harbour, Michael <MHHarbour@irell.com>; Yoder, Michael <myoder@omm.com>
Subject: Re: Netlist v. Samsung (CDCA): Joint Report

[EXTERNAL MESSAGE]

Hi Marc,

Michael and I are both about to fly to San Jose. Will be a few hours

On Nov 27, 2023, at 3:03 PM, Feinstein, Marc <mfeinstein@omm.com> wrote:

Matt - Attached is the draft Joint Report with Samsung's portion. As to the common portion, it would be acceptable to us if it was shortened to focus on the remaining issues as set forth in the attached. Please let us know if there are any other changes to the Joint Report before it is filed so we can review them in advance. We reserve the right to make further changes. Please let us know when you intend to file the Joint Report. Thank you

From: Feinstein, Marc
Sent: Monday, November 27, 2023 11:57 AM
To: 'Ashley, Matt' <MAshley@irell.com>; Harbour, Michael <MHHarbour@irell.com>
Cc: Yoder, Michael <myoder@omm.com>
Subject: RE: Netlist v. Samsung (CDCA): Joint Report

Matt - We are running a little late. Will get you Samsung's portion shortly. Rgds

From: Ashley, Matt <MAshley@irell.com<<mailto:MAshley@irell.com>>>
Sent: Friday, November 24, 2023 10:02 AM
To: Feinstein, Marc <mfeinstein@omm.com<<mailto:mfeinstein@omm.com>>>; Harbour, Michael <MHHarbour@irell.com<<mailto:MHHarbour@irell.com>>>
Cc: Yoder, Michael <myoder@omm.com<<mailto:myoder@omm.com>>>
Subject: RE: Netlist v. Samsung (CDCA): Joint Report

[EXTERNAL MESSAGE]

Marc,

The schedule below works for us.

Matt

From: Feinstein, Marc <mfeinstein@omm.com<<mailto:mfeinstein@omm.com>>>
Sent: Wednesday, November 22, 2023 10:00 PM
To: Ashley, Matt <MAshley@irell.com<<mailto:MAshley@irell.com>>>; Harbour, Michael <MHarbour@irell.com<<mailto:MHarbour@irell.com>>>
Cc: ~Yoder, Michael <myoder@omm.com<<mailto:myoder@omm.com>>>
Subject: Netlist v. Samsung (CDCA): Joint Report

Matt and Michael -

On our call today you agreed that you would send us a first draft of Netlist's portion of the Joint Report and that we would then respond with Samsung's portion. We didn't discuss when you would send Netlist's portion to us. We propose that you send it to us by noon on Saturday and that we respond with Samsung's portion by noon on Monday. That will give you sufficient time on Monday to take what you send us and what we send you and file the Joint Report. Please let us know if that schedule is acceptable.

Thank you

O'Melveny

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